IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 4751 of 2007(N)

PETITIONERS:

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1. PILLAI ANU SADASIVAN,
HIGH SCHOOL ASSISTANT, HIGH SCHOOL FOR GIRLS,
PUNALUR.

2. KRISHNAKUMAR P.,
UPPER PRIMARY SCHOOL ASSISTANT,
HIGH SCHOOL FOR GIRLS, PUNALUR.

3. RESHMY R.,
UPPER PRIMARY SCHOOL ASSISTANT,
HIGH SCHOOL FOR GIRLS, PUNALUR.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. THE MANAGER,
PATHANAPURAM TALUK SAMAJAM, CORPORATE
MANAGEMENT SCHOOL, PUNALUR.

2. THE DISTRICT EDUCATIONAL OFFICER,
PUNALUR.

3. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

4. THE SECRETARY TO GOVERNMENT OF KERALA,
GENERAL EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

5. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

R2 TO R5 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 4751 OF 2007 N

Dated this the 1st March, 2007

JUDGMENT

Petitioners seek a direction to approve their appointments in terms of Government Order dated 23.7.2005. The said Order is produced as Ext.P4. Therein, it is, inter alia, stated as follows:

> *"Government have examined the entire matter in detail and are pleased to order that the appointment of Smt. Pillai Anu Sadasivan as UPSA from 11.8.2000 to 4.10.2000 and subsequent spells (if there is established vacancy) be approved as a special case in relaxation of the provisions contained in GO (Rt)534/02/GE. Dated 19.3.2002 and if the same is otherwise in order. Before approving the appointment, the DEO, Punalur should ensure that the teacher is able to teach in Malayalam properly. It is also ordered to issue consequential order approving the appointment of other teachers/petitioners in the WP if the appointments are otherwise in order and as per the Rule in Kerala Education Rules. The Court Order Ist cited is thus complied with accordingly."*

It is the case of petitioners that Exts.P5 to P7 are the orders approving the appointment of petitioners 1 & 2 for certain spells. It is stated that the third petitioner's appointment was approved for a spell. In such circumstances, petitioners would contend that they are entitled for approval for the entire period and the matter is being kept in abeyance. If the petitioners are aggrieved by the refusal to grant approval in terms of Ext.P4, it is for them to take up the matter before the appropriate statutory authority and if they do so, a decision will be taken thereon in accordance with law.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.